

§ 1626.11

assistance. These workers are ineligible for legal assistance in order to obtain the adjustment of status of temporary resident under IRCA, but are eligible for legal assistance after the application for adjustment of status to that of temporary resident has been filed, and the application has not been rejected.

(e) A recipient may provide legal assistance to indigent foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child abduction and the Federal implementing statute, the International Child Abduction Remedies Act, 42 U.S.C. 11607(b), provided that they are otherwise financially eligible.

[62 FR 19414, Apr. 21, 1997; 62 FR 22895, Apr. 28, 1997, as amended at 72 FR 52491, Sept. 14, 2007]

§ 1626.11 H-2 agricultural workers.

(a) Nonimmigrant agricultural workers admitted under the provisions of 8 U.S.C. 1101(a)(15)(h)(ii), commonly

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called H-2 workers, may be provided legal assistance regarding the matters specified in paragraph (b) of this section.

(b) The following matters which arise under the provisions of the worker's specific employment contract may be the subject of legal assistance by an LSC-funded program:

- (1) Wages;
- (2) Housing;
- (3) Transportation; and

(4) Other employment rights as provided in the worker's specific contract under which the nonimmigrant worker was admitted.

§ 1626.12 Recipient policies, procedures and recordkeeping.

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part and shall maintain records sufficient to document the recipient's compliance with this part.

[62 FR 19414, Apr. 21, 1997; 62 FR 22895, Apr. 28, 1997]

APPENDIX TO PART 1626—ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC PROGRAMS

ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC PROGRAMS

Alien category	Immigration Act (INA)	LSC regs: 45 CFR § 1626	Examples of acceptable documents
LAWFUL PERMANENT RESIDENT.	INA § 101(a)(20); 8 USC § 1101(a)(20).	§ 1626.5(a)	I-551 or I-151 or I-181 (Memorandum of Creation of Record of Lawful Permanent Residence), with approval stamp; or passport bearing immigrant visa or stamp indicating admission for lawful permanent residence; or order granting registry, suspension of deportation, cancellation of removal, or adjustment of status from the INS, an immigration judge, the BIA, or a federal court; or I-327 Reentry Permit; or I-94 with stamp indicating admission for lawful permanent residence; or any verification from INS or other authoritative document.

ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC PROGRAMS—Continued

Alien category	Immigration Act (INA)	LSC regs; 45 CFR § 1626	Examples of acceptable documents
ALIEN WHO IS —married to U.S. citizen, or. —parent of U.S. citizen, or— unmarried child under 21 of U.S. citizen and —has filed an application for adjustment of status to permanent residency.	INA §§ 208, 210, 244 (replaced by INA § 240A(b) for aliens in proceedings initiated on or after 4/1/97), 245, 245A, 249; 8 USC §§ 1158, 1160, 1254 (replaced by 1229b(b) for aliens in proceedings initiated on or after 4/1/97), 1255, 1255a, 1259.	§ 1626.5(b)	<p>Proof of relationship to U.S. citizen* and proof of filing:**</p> <p>I-485 (application for adjustment of status based on family-based visa, registry, or various special adjustment laws)</p> <p>or I-256A or EOIR-40 (application for suspension of deportation)</p> <p>or EOIR-42 (application for cancellation of removal)</p> <p>or I-817 (application for Family Unity)</p> <p>or I-881 (application for NACARA suspension or special rule cancellation and adjustment)</p> <p>or OF-230 (application at consulate for visa)</p> <p>or I-129F (Petition for Alien Fiancé(e) (for spouses and children of USCs applying for K-status)</p> <p>or I-130 (family-based immigrant visa petition)</p> <p>or I-360 (self-petition for widow(er) or abused spouse or child)</p> <p>or I-539 indicating application for V status</p> <p>or I-589 (application for asylum)</p> <p>or I-698 (application to adjust from temporary to permanent residence)</p> <p>or I-730 (refugee/asylee relative petition)</p> <p>or any verification from INS or other authoritative document.</p> <p>*Proof of relationship may include: copy of marriage certificate accompanied by proof of spouse's U.S. citizenship; copy of birth certificate, religious archival document such as baptismal certificate, adoption decree or other documents demonstrating parentage of a U.S. citizen; copy of birth certificate, baptismal certificate, adoption decree, or other documents demonstrating alien is a child under age 21, accompanied by proof parent is a U.S. citizen; or in lieu of the above, a copy of INS Form I-130 (visa petition) or I-360 (self-petition) containing information demonstrating alien is related to such a U.S. citizen, accompanied by proof of filing.</p> <p>**Proof of filing may include a fee receipt or cancelled check showing that the application was filed with the INS or the immigration court; a filing stamp showing that the application was filed; or a copy of the application accompanied by a declaration or attestation signed by the immigrant, or the immigrant's attorney or legal representative for the application, that such form was filed. Proof of filing is also established by: a letter or Form I-797 from INS or the immigration court acknowledging receipt of or approval of one of the above-listed forms;</p> <p>or Form I-94 (arrival/departure record) or I-512 (advance parole) indicating entry to pursue an above-listed application;</p>

ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC PROGRAMS—Continued

Alien category	Immigration Act (INA)	LSC regs; 45 CFR § 1626	Examples of acceptable documents
REFUGEE	INA § 207, 8 USC § 1157.	§ 1626.5(c)	<p><i>or</i> I–688B or I–766 (employment authorization document) coded 8 CFR § 274a.12(c)(9) (applicant for adjustment), (c)(10) (applicant for suspension or cancellation, (c)(16) (applicant for registry), (c)(21) (S-visa principal or dependent), (c)(20) or (22) (legalization applicant), (c)(24) (LIFE Act legalization applicant), (a)(9) (K-status), (a)(13)(Family Unity), (a)(14) (LIFE Act Family Unity), (a)(15) (V-status), (a)(16) or (c)(25) (T-status) or (c)(8) (asylum applicant).</p> <p>I–94 or passport stamped “refugee” or “§ 207”</p> <p><i>or</i> I–688B or I–766 coded 8 CFR § 274a.12(a)(3)(refugee) or § 274a.12(a)(4)(paroled as refugee)</p> <p><i>or</i> I–571 refugee travel document</p> <p><i>or</i> any verification from INS or other authoritative document.</p>
ASYLEE	INA § 208, 8 USC § 1158.	§ 1626.5(c)	<p>I–94 or passport stamped “asylee” or “§ 208”</p> <p><i>or</i> an order granting asylum from INS, immigration judge, BIA, or federal court</p> <p><i>or</i> I–571 refugee travel document</p> <p><i>or</i> I–688B coded 8 CFR § 274a.12(a)(5)(asylee)</p> <p><i>or</i> any verification from INS or other authoritative document.</p>
GRANTED WITHHOLDING OR DEFERRAL OF DEPORTATION OR REMOVAL.	INA § 241(b)(3) or former INA § 243(h), 8 USC § 1251(b)(3) or former 8 USC § 1253(H).	§ 1626.5(e)	<p>I–94 stamped “§ 243(h)” or “241(b)(3)” or an order granting withholding or deferral of deportation or removal from INS, immigration judge, BIA, or federal court</p> <p><i>Also acceptable</i></p> <p>I–688B coded 8 CFR § 274a.12(a)(10)(granted withholding of deportation or removal)</p> <p><i>or</i> any verification from INS or other authoritative document.</p>
CONDITIONAL ENTRANT	INA § 203(a)(7), 8 USC § 1153(a)(7).	§ 1626.5(d)	<p>I–94 or passport stamped “conditional entrant”</p> <p><i>or</i> any verification from INS or other authoritative document.</p>
H–2A AGRICULTURAL WORKER.	INA § 101 (a)(15)(H)(ii); 8 USC § 1101 (a)(15)(ii).	§ 1626.11	<p>I–94 or passport stamped “H–2”</p> <p><i>or</i> any verification from INS or other authoritative document.</p>
SPECIAL AGRICULTURAL WORKER TEMPORARY RESIDENT.	INA § 210 8 USC § 1160.	§ 1626.10(d)	<p>I–688, 688A, 688B, or 766 indicating issuance under § 210 (or under 8 CFR § 274a.12(a)(2), with other evidence indicating eligibility under INA § 210)</p> <p><i>or</i> any verification from INS or other authoritative document.</p>

[68 FR 55540, Sept. 26, 2003]

PART 1627—SUBGRANTS AND MEMBERSHIP FEES OR DUES

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